

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERICA LOUNSBERRY,
DAMARIO TURPIN, and
SHAUNIQUE RODRIGUEZ,

Defendants.

DECISION AND ORDER
18-CR-49-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On October 1, 2018, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 140) recommending that defendants' motions to suppress be denied.

On October 14, 2018, defendant Lounsberry filed objections to the Report and Recommendation. Dkt. No. 141. Defendant Turpin filed objections (Dkt. No. 144) on October 16, 2018. The United States filed a timely response (Dkt. No. 147), and oral argument was heard on November 20, 2018.

Pursuant to 28 U.S.C. §636(b)(1), the Court makes a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after considering the parties' arguments, the Court hereby adopts Magistrate Judge McCarthy's findings and conclusions. Dkt. No. 140. Accordingly, defendants' motions to suppress are denied.

Because co-defendants with whom defendant Lounsberry and Turpin are joined

for trial have pretrial proceedings pending before Magistrate Judge McCarthy, and because the United States indicated during an appearance on November 20, 2018, that the parties expect all the defendants to remain joined for trial, these defendants shall report for a status conference on January 22, 2019 at 12:30 p.m.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: December 10, 2018